REMARKS

In the Final Office Action mailed February 24, 2006, the Examiner rejected claims 14-15, 25-26, 28-29, 34-35, and 38, under 35 U.S.C. §103(a), based on "newly discovered" references Takahashi (USP 5,887,193) and Swanson (5,603,034), withdrawing prior allowances of claims 14-15, 25-26, 28-29 and 34-35. In response, Applicants respectfully traverse the Examiner's rejections.

§103(a) requires the Examiner to view the invention as a whole.

Independent claim 14 is directed towards an apparatus having a media player equipped to

> receive an identifier of a graphical display object,
>
> retrieve default definition data of a class related to the graphical display object, the class default definition data having default values for a first plurality of elements of the graphical display object,
>
> retrieve custom definition data related to the graphical display object, the custom definition data having custom values for a second plurality of elements of the graphical display object, one or more of the first and second elements being the same elements,
>
> build the graphical display object based first, on the custom values of the second plurality of elements and then, on the default values of the first plurality of elements that are not included among the second plurality of elements;

Thus, when viewed as a whole, claim 14 recites a media player equipped to support default and custom values for graphical display objects, including a novel approach to building a graphical display object first, using the custom values of one set of elements (the "second" set of elements of claim 14), and then using the default values for the remaining elements (the "non-overlapping" elements of the "first" set of elements of claim 14). The novel approach has at least the advantage of enabling customization of graphic objects associated with a media player, through provision of custom values for only the elements to be customized.

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In the subject Final Office Action, the Examiner conceded that Takahashi does not explicitly teach the recited novel, more efficient, approach to building graphical display objects for a media player, but the deficiency is remedied by Swanson; specifically, by Swanson's teachings in col. 7, lines 57-61, col. 8, lines 4-7, lines 42-47, and col. 10, lines 8-16, because Swanson teaches "using default files when custom files are not available" (col. 10, lines 8-16.

However, a closer reading of Swanson shows that Swanson merely teaches a graphical resource editor (310 of Fig. 2) for selectively modifying graphical resources (see elements within 340 of Fig. 2) in e.g. user interface (330 of Fig. 2) of software application. The graphical resource editor of Swanson instantiates its own user interface to facilitate a user in editing the graphical resource of an user interface of a software application based on an app-custom file (320 of Fig. 2) associated with the target software application. (See also Swanson's disclosure in col. 7 lines 34 – 56).

Thus, when the passage of col. 10, lines 8-16 relied by the Examiner is read in context, Swanson merely taught that if a software application does not have an associated app-custom file, then the resource editor should be instantiated using a default app-custom file. Swanson never taught nor suggested that the resource editor is to be instantiated in part with custom values for elements having user provided custom values, and then completing the instantiation with default values for the elements not having provided custom values.

It follows then Swanson does not suggest building a graphical object first, based on custom values for elements having such provided custom values, and then building the object based on default values for elements not having provided custom values.

Accordingly, Swanson does not remedy the conceded deficiency of Takahashi, and their combination does not suggest at least the "build" aspect of claim 14.

Claim 14, is therefore patentable over the combination under 35 U.S.C. §103(a).

Claim 15 includes in substance the same recitations earlier discussed for claim 14. Therefore, for at least the same reasons, claim 15 is patentable over the cited references under 35 U.S.C. §103(a).

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Claims 25-26, 28-29, 34-35 and 38 depend from either claim 14 or 15, incorporating their recitations respectively. Therefore, for at least the same reasons, claims 25-26, 28-29, 34-35 and 38 are also patentable over the cited references under 35 U.S.C. §103(a).

Conclusion

In view of the foregoing, Applicants respectfully submit all remaining pending claims 14-15, 25-26, 28-29, 34-35 and 38 are in condition of allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

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